

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

PAUL FERRA, SR.,

CASE NO.: 2:20-cv-45

Plaintiff,

v.

WINN DIXIE STORES, INC.

Defendant.

DEFENDANT WINN DIXIE STORES, INC.'S NOTICE OF REMOVAL

Defendant, Winn Dixie Stores, Inc., (hereinafter, "Defendant"), through its undersigned counsel and pursuant to 28 U.S.C. § 1446, files with this Court a Notice of Removal of the above captioned matter from the Superior Court of Glynn County, State of Georgia. In support of the removal of this action, Defendant states as follows:

1. Plaintiff Paul Ferra, Sr., has filed a civil action in the Superior Court of Glynn County, State of Georgia, case number CE20-00456, alleging injuries sustained from a slip-and-fall inside one of Defendant's stores on May 8, 2018.
2. Defendant removes this action on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332 and § 1441.
3. At the time of the incident alleged in Plaintiff's Complaint, the Plaintiff was a citizen and resident of Glynn County, Georgia. (Cmplt. ¶ 1)
4. Defendant, at all relevant times, has been a domiciliary in the State of Florida, is incorporated in Florida, and has its principal place of business in Florida.
5. The Complaint alleges the damages are over \$100,000.00. (Cmplt. Pg. 6) Claimed non-medical expenses include pain and suffering. (Cmplt. ¶ 16)
6. Defendant has received a letter from Optum on behalf of United Healthcare. The letter is attached as Exhibit "A." Optum states the amount United Healthcare has paid on behalf of the Plaintiff for

medical expenses related to this case is over \$151,000.00, with total billing over \$322,667.00. The

charges that have been provided so far are as follows:

• Kathleen Byington	\$1,132.05
• SGHS- Brunswick	\$46,827.15
• Glynn County Fire Department	\$477.50
• Emergency Resources Group	\$2,551.54
• Nephrology and Hypertension	\$407.00
• David Lawson	\$549.00
• Dana Kumanji	\$290
• Suprithi Ravi	\$142.00
• William Alexander	\$776.00
• University Crossing	\$12,169.88
• Heartland EMS	\$1,343.30
• Trevor Paris	\$390.00
• Neurology Clinic of Jacksonville	\$437.00
• Physical Medicine Specialists	\$139.00
• Mori, Bean & Brooks	\$2,641.00
• Paragon Emergency Services	\$1,815.00
• Memorial Hospital Jacksonville	\$829.00
• Lighthouse Internal Medicine	\$750.00
• Frederica Imaging	\$50.00
• Michele Mitchell	\$510.00
• Susan O'Sullivan	\$38.00
• Misty Williams	\$566.00
• Genesis Eldercare Rehabilitation	\$2,094.91
• Joseph Lanzone	\$1,300.00
• Christopher Bovinet	\$7,320.00
• Genotox Laboratories	\$1,150.00
• Michael Dunn	\$504.00
• Mayo Clinic Laboratory	\$1,417.85
• Hilary Garner	\$121.00
• Courtney E Sherman	\$11,458.00
• Sherman Stevenson	\$172.00
• Emmanuel Gage	\$255.00
• Angela Cooper	\$554.00
• Jessica Keever	\$240.00
• Mayo Clinic Florida	\$57,877.70
• Roy Greengrass	\$625.00
• Heather Putnam	\$2,730.25
• Joshua Blackmon	\$123.00
• McClow, Clark & Berk	\$71.00
• St. Vincent's Medical Center	\$4,518.25
• Joan Alvarado	\$240.00
• Kristina Schneider	\$330.00
• Christopher Robards	\$2,761.46
• Brunswick Pain Treatment	\$7,999.00

• Kevin Trankle	\$6,000.00
• Tranquil Anesthesiology	\$4,500
• Lori Trefts	\$234.00
• <u>Prescription Medications</u>	<u>\$5,563.75</u>
TOTAL	\$194,991.04

7. Pursuant to 28 U.S.C. § 1446(b)(3), Defendant has filed this Notice of Removal within thirty days of receiving Plaintiff's Complaint and Summons (served on April 9, 2020) and discovering that the amount in controversy exceeds \$75,000.00. Therefore, this Notice of Removal is timely.
8. Pursuant to 28 U.S.C. § 1446(d), Defendant has given written notice of this removal to all parties and has filed a copy of this Notice of Removal in the Superior Court for Glynn County, State of Georgia.
9. The United States District Court for the Southern District of Georgia, Brunswick Division, encompasses the location of the State Court action. Thus, Defendant may properly remove the State Court action to this District Court pursuant to 28 U.S.C. § 1441(a).
10. The amount in controversy in this case is greater than \$75,000 exclusive of interest and costs, and there is complete diversity between the parties. Therefore, the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1332.
11. Pursuant to the rules of this Court, Defendant has submitted the \$400.00 filing fee.
12. True and correct copies of all process and pleadings served by or upon Defendant, as provided by 28 U.S.C. § 1446(a), are attached hereto as Exhibit "B."
13. A copy of Defendant's Answer and Affirmative Defenses and Notice of Removal, filed in State Court, is attached hereto as Exhibit "C."
14. The Civil Cover Sheet for this action is attached as Exhibit "D."
15. A copy of the State Court Docket Sheet is attached hereto as Exhibit "E."

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically to Joseph Ferrier, Esquire, Ferrier & Ferrier following e-mail addresses: joeferrierlaw@gmail.com this 1st day of May, 2020.

SAALFIELD SHAD, P.A.

/s/ Blake Cole

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